

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 7169**  
**BILL NUMBER: SB 301**

**NOTE PREPARED: Jan 5, 2007**  
**BILL AMENDED:**

**SUBJECT:** Internet Predators.

**FIRST AUTHOR:** Sen. Mrvan  
**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill has the following provisions:

- A. It requires the Criminal Justice Institute to develop and produce materials to assist parents and children in using the Internet safely.
- B. It requires a person required to register as a sex offender to register the person's electronic mail address and to re-register when the person obtains a new or an additional electronic mail address.
- C. It provides that, as a condition of probation or parole, a sex offender: (1) must consent to the search of the sex offender's computer at any time; (2) must permit disclosure by the sex offender's Internet service provider of the sex offender's Internet usage; (3) may be prohibited by a probation or parole officer from using or accessing certain web sites, chat rooms, or instant messaging programs; and (4) may not delete, erase, or tamper with information on the sex offender's computer that relates to Internet usage.
- D. It specifies the proper venue for the criminal action when a crime is committed by means of a cellular telephone or cellular telephone service.
- E. It makes possession of child pornography a Class C felony if the person possesses more than 10 videotapes or 50 photographs. It provides enhanced penalties for child solicitation if it is done by using the text messaging function of a cellular telephone service.
- F. It makes it a Class A misdemeanor for a person at least 21 years of age to propose a face-to-face meeting with a child less than 14 years of age by computer network or cellular telephone text message if the communication between the parties involves a reference to sexual activity, and enhances the crime to a Class D felony for a second or subsequent offense.

**Effective Date:** July 1, 2007.

**Explanation of State Expenditures:** *Criminal Justice Institute* – Depending on available resources on the Internet, the Criminal Justice Institute may be able to develop and produce materials to assist parents and children within their current budget.

*New Crimes* – This bill would add three new felony offenses to the criminal code. The following describes each of the offenses and the potential length of incarceration. A sentencing court could suspend the prison sentence for each of these crimes and order the person to probation.

<u>Offense</u>	<u>Penalty</u>	<u>Potential Incarceration</u>
Registration of electronic mail address	Class D Felony	Between 6 months and 3 years
Possession of more than 10 video recordings or 50 images of child pornography	Currently Class D Felony, would increase to Class C felony	Between 2 and 8 years
Improper communications with a minor	Class A misdemeanor as first offense, Class D felony as second offense	Between 6 months and 3 years (as a second offense)

The average expenditure to house an adult offender was \$22,734 in FY 2006. (This does not include the cost of new construction.)

**Explanation of State Revenues:** If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for both Class D and C felonies is \$10,000. Criminal fines are deposited in the Common School Fund.

**Explanation of Local Expenditures:** If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

**Explanation of Local Revenues:** If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 criminal costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of the criminal costs fee. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

**State Agencies Affected:** Criminal Justice Institute.

**Local Agencies Affected:** Local law enforcement agencies.

**Information Sources:** Indiana Sheriffs' Association, Department of Correction.

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